

Department: Parks and Recreation	Section: MR - Municipal Reserves
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MR-03 Utility Right of Way Policy for Municipal Reserves, Environmental Reserves or Miscellaneous Properties

Purpose

Leduc County receives requests from utility companies to establish utility right of ways on County owned parcels of land. County owned parcels would include municipal reserves, environmental reserves or miscellaneous properties. Utility companies require access to certain lands in order to provide the utility service. A utility right of way is a registered easement on private (County) land that allows the utility company the right of access for an indefinite time. The easement is a formal agreement registered against the certificate of title at Alberta Land Titles.

Formal Easement Agreement

When the County enters into an easement agreement, the County grants and transfers to the utility company the right, liberty and privilege of a utility right of way within, upon and over the lands for the erection, installation, construction, operation, maintenance, inspection, alteration, reconstruction, repair, removal, replacement and relocation of the utility equipment, apparatus and related accessories as may now or in the future be necessary for the distribution of the utility. The easement agreement will restrict any future development by the County within the right of way such as: no permanent structures are allowed.

Various Requests for a Utility Right of Way

Utility Service/Pipeline Running Through Leduc County

The utility company requesting a right of way is required to pay current rates for compensation for right of way and Temporary Working Space Agreement. Full compensation is expected as there is limited benefit to Leduc County ratepayers. For example the Joffre Feedstock Pipeline Project right of way agreements to cross Leduc County municipal reserves (Council Meeting June 22, 2004, Re: 459-04).

Administration will provide a recommendation to Council for their consideration.

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Provide Utility Service Within Leduc County (major impact)

The utility company requesting a right of way is providing an important service to County ratepayers. There is considerable land required within the requested right of way. An administration fee of \$1,000.00 will be charged to the utility company, plus any additional costs such as: loss of land production, weed control etc.. An example is an AltaGas ten meter easement on County land approved with an administration fee of \$1,000 (Council meeting November 1, 2005, Re 813-05).

Administration will provide a recommendation to Council for consideration.

Provide Utility Service Within Leduc County (minor impact)

The utility company requesting a right of way is providing an important service to County ratepayers. There is minimal land required within the requested right of way. An example of a minor right of way is for a placement of a power pole or other equipment requirement. No fee is charged.

Administration will review and have the ability to authorize.

The responsibilities of the Office of the County Manager will include:

To receive, review and respond to all requests for utility right of ways on County owned parcels of land. The review will include the coordination between departments:

- Public Works & Engineering Department will provide any technical support,
- Parks & Recreation Department will provide input on Municipal and Environmental Reserves and
- Planning & Development Department will provide long term planning implications.

Easement agreements generally need to be reviewed to ensure terms and conditions:

- allow only present utility line(s); do not include future utility lines as this would be at the discretion of Leduc County,
- any future costs to move or remove the utility line will be at the sole expense of the utility company,
- preparation and registration of documents is at the cost of the utility company, and
- any other conditions that will protect the County lands in the long term.

To ensure appropriate authorized easement agreements are signed by County officials.

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